

Presented by: The Manager  
Introduced: 04/27/2015  
Drafted by: A. G. Mead

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA  
Serial No. 2723**

**A Resolution Authorizing the Manager to Convey Two Drainage Easements Across a Fraction of Lot 2 USS 3819 and a Portion of Lot 2 Kirkevold Subdivision.**

WHEREAS, the Alaska Department of Transportation ("ADOT") requested easements through City and Borough of Juneau ("CBJ") property for the reconstruction of Glacier Highway and associated public improvements from Fritz Cove Road to Seaview Avenue; and

WHEREAS, the CBJ owns property adjacent to the right-of-way managed by ADOT, including property used for the Auke Bay Wastewater Treatment Plant, the Auke Bay Elementary School, and the Auke Bay Fire Department; and

WHEREAS, ADOT assured the CBJ that access to, and daily functions of, the treatment plant, school, and fire station will not be obstructed as a result of ADOT's actions; and

WHEREAS, CBJ 53.09.300 authorizes the Manager to convey easements across CBJ property, upon approval of the Assembly by resolution; and

WHEREAS, ADOT provided appraisals for both easements, which have a combined value of \$35,396.00;

WHEREAS, CBJ 53.09.310 authorizes the Manager to issue a use permit for up to one year, and the necessary use permits associated with the Glacier Highway reconstruction project are estimated to need one to two years of duration;

WHEREAS, ADOT has requested temporary use of CBJ property adjacent to the location of the two permanent easements to allow ADOT to temporarily store materials and equipment, to grade slopes for the drainage improvements, and to re-establish sidewalk connections and a street intersection, which will be approved by the Manager as authorized by CBJ 53.09.310 conditional upon the adoption of this resolution. The appraised value of these additional temporary use permits is \$9,604.00; and

WHEREAS, the Planning Commission reviewed this request and found it consistent with CBJ Title 49; and

WHEREAS, the Lands Committee reviewed these easements and recommended forwarding them to the full Assembly for its approval.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

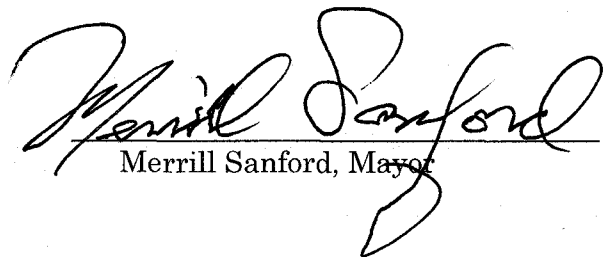
**Section 1. Easement Authorization.** The Manager is authorized to negotiate and convey two permanent drainage easements across a fraction of Lot 2 USS 3819 and a portion of Lot 2 Kirkevold Subdivision. The final easement shall be subject to the essential terms and conditions outlined in Section 2, below.

**Section 2. Easement Terms and Conditions.**

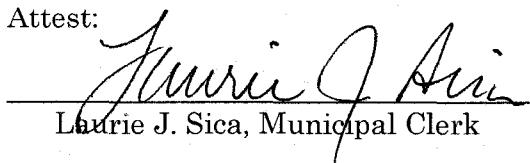
- (a) The two drainage easements shall be perpetual.
- (b) The drainage easements shall be revoked if ADOT does not use the easements for a period of more than five years.
- (c) The easements are not exclusive. The City may grant other overlapping easements.
- (d) ADOT is responsible for construction and maintenance of any improvements.
- (e) The City reserves the right of public pedestrian access along the easements.
- (f) ADOT shall provide an as-built survey of the easements once construction is complete.
- (g) ADOT shall obtain all authorizations and permits necessary for construction.
- (h) ADOT shall pay the CBJ fair market value for the easements, which the parties agree shall be \$35,396.00.
- (i) The Manager may include in the easement agreement any other terms and conditions the manager deems are in the public interest.

**Section 4. Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this 27<sup>th</sup> day of April, 2015.

  
Merrill Sanford, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk